

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 4, 2005

IN RE:

**PETITION FOR APPROVAL OF AMENDMENTS
TO THE INTERCONNECTION AGREEMENT
BETWEEN BELL SOUTH TELECOMMUNICATIONS,
INC. AND NUVOX COMMUNICATIONS, INC. F/K/A
TRIVERGENT COMMUNICATIONS, INC.**

**DOCKET NO.
04-00351**

**ORDER APPROVING
NINTH SET OF AMENDMENTS TO THE INTERCONNECTION AGREEMENT**

This matter came before Chairman Pat Miller, Director Deborah Taylor Tate and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on December 13, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the ninth set of amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and NuVox Communications, Inc. f/k/a Trivergent Communications, Inc.

The original interconnection agreement between these parties was filed on August 18, 2000, and was assigned Docket No. 00-00736. It was approved at a regularly scheduled Authority Conference on October 24, 2000. The first amendment was filed on May 10, 2001, under Docket No. 01-00420 and was approved at a regularly scheduled Authority Conference on July 10, 2001. The second amendment was filed on November 30, 2001, and the third amendment¹ was filed on January 16, 2002. Both amendments were filed under Docket No. 01-01041 were approved at a

¹ This amendment changed Trivergent Communications, Inc.'s name to NuVox Communications, Inc.

regularly scheduled Authority Conference held on January 23, 2002. The fourth amendment was filed on December 10, 2001, under Docket No. 01-01095² and was approved at a regularly scheduled Authority Conference on February 5, 2002. The fifth amendment was filed on July 24, 2002, under Docket No. 02-00807 and was approved at a regularly scheduled Authority Conference on September 9, 2002. The sixth amendment was filed on September 5, 2002, under Docket No. 02-00957 and was approved at a regularly scheduled Authority Conference on October 7, 2002. The seventh amendment was filed on October 1, 2003, under Docket No. 03-00541 and was approved at a regularly scheduled Authority Conference on November 24, 2003. The eighth amendment was filed on May 17, 2004, under Docket No. 04-00146 and was approved at a regularly scheduled Authority Conference on July 26, 2004. The ninth set of amendments, which is the subject of this docket, was filed on October 12, 2004.

Based upon a review of the amendments, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104 (2004).
- 2) The amendments are in the public interest as they provide consumers with alternative sources of telecommunications services within BellSouth Telecommunications, Inc.'s service area.
- 3) The amendments are not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier not a party to the

² The amendment reflecting the name change of Trivergent Communications, Inc. to NuVox Communications, Inc. was filed in Docket No. 01-01041 on January 16, 2002. The same amendment was filed on January 16, 2002, in Docket No. 01-01095.

agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).³ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

6) The amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104 (2004).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the ninth set of amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and NuVox Communications, Inc. f/k/a Trivergent Communications, Inc. is approved and is subject to the review of the Authority as provided herein.


Pat Miller, Chairman


Deborah Taylor Tate, Director


Ron Jones, Director

³ See 47 U.S.C. § 252(e)(2)(B).